

ARCHIE TINGELL

CIVIL ACTION NO. 02-2949
JUDGE TIMOTHY J. SAVAGE

- VS -
JEFFREY A. BEARD
DAVID DI GIUSEPPE
KIM ULISNY

MOTION TO ENFORCE/CONTEMPT AND/OR
FURTHER RELIEF.

PLAINTIFF MOVES UNDER FED. R. CIV. P. 70, 71, 60B(5),
FOR AN MOTION TO ENFORCE/CONTEMPT AND/OR FURTHER RELIEF
FROM ORDER ON MAY 3, 2007, OF THE PLAINTIFFS MOTION OF
SUMMARY JUDGMENT CLAIM AFFIRMED IN PART WITH RESPECT TO
THE INJUNCTIVE RELIEF CLAIM. PLAINTIFF IN SUPPORT THE FOLLOWING

1. THE DEFENDANTS ARE ENJOINED FROM ENFORCING THE
CURRENT DEPARTMENT OF CORRECTIONS MAIL POLICY INsofar
AS IT PERMITS PRISON OFFICIALS TO OPEN LEGAL AND COURT MAIL
OUTSIDE THE INMATES PRESENCE OF THE INMATE WHOM IT IS
ADDRESSED. . .

2. THIS INJUNCTION COURT ORDER WAS ENFORCED THROUGH-
OUT THE COMMONWEALTH OF PENNSYLVANIA UNDER THE
JURISDICTION OF THE DEPARTMENT OF CORRECTIONS INCLUDING
ECI-COAL TOWNSHIP. PA.

3. IT WAS CLEAR AND CONVINCING THROUGHOUT THE DEPARTMENT OF CORRECTIONS THAT THE PRACTICE BE IN EFFECT BY ALL D.O.C.'S SUPERINTENDENTS (WHO HAS FULL AUTHORITY OF THE OVERALL OPERATIONS OF THEIR PRISON).

4. EACH INSTITUTION ADMINISTRATION WHICH HAD ACTUAL CONSTRUCTIVE KNOWLEDGE UNDER THEIR FIELDS OF OPERATIONS THAT THE INJUNCTION WAS TO BE IN FORCE. SUPERVISORS OFFICIALS, EMPLOYEES, SERVANTS/AGENTS IN WHICH SUCH PRACTICE SHOULD HAVE BEEN EXERCISED BUT HAVE FAILED DUE TO THEIR ACTS COMMITTED WHICH ARE CLEARLY IN VIOLATION OF THE ORDER BY RETURNING TO THEIR PRACTICES WHICH IS A CONTEMPT OF COURT THE ORDER.

WHEREFORE, PLAINTIFF REQUEST FURTHER RELIEF OF COMPENSATION AND ENFORCEMENT OF CONTEMPT TO THE ORDER TO BE GRANTED IN FAVOR OF PLAINTIFF.

RESPECTFULLY SUBMITTED

DATE

ARCHIE INDELL, EL06464
 SCT-MARTINSHIRE (EL06464)
 BX-102117.17864

IN THE UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF PENNSYLVANIA

ARCHIE TINDELL
PLAINTIFF

RECEIVED

APR 22 2008

CIVIL ACTION NO# 02-7949
JUDGE, TIMOTHY J. SARGE

- VS -

JEFFREY A. BEARD
DAVID DIGUELIELLO
KIM ULINSKY
DEFENDANTS

AFFIDAVIT IN SUPPORT OF
MOTION TO ENFORCE / CONTEMPT
AND/OR FURTHER RELIEF

ARCHIE TINDELL, BEING DULY SWORN, DEPOSE AND SAYS:

1. I AM THE PLAINTIFF IN THE ABOVE TITLED CASE, I MAKE THIS AFFIDAVIT IN SUPPORT OF MY MOTION TO ENFORCE / CONTEMPT AND/OR FURTHER RELIEF.

2. ON APRIL 16, 2008, I RECEIVED LEGAL MAIL FROM MY DEFENDANTS ATTORNEY WITH CONTROL BAR NUMBERS WITH AN INSPECTION STAMP BY SCI-CON TOWNSHIP MAIL ROOM WHICH IT WAS STAMPED INSPECTED ON APRIL 10, 2008, IT WAS CLEAR AND CONVINCING EVIDENCE THAT MY LEGAL MAIL WAS TO BE OPEN IN MY PRESENCE WHICH THE MAIL WAS ADDRESSED TO.

3. DC ADM, 808 (B)(5) PG 9. STATES. AN ATTORNEY OR COURT MAY SEEK OR PLACE THE CONTROL NUMBER ON EACH ENVELOPE TO BE MAILED TO AN INDIVIDUAL THAT THE ATTORNEY OR COURT WISHES TO HAVE OPEN IN THE PRESENCE OF INDIVIDUAL. THIS NUMBER IS TO BE PLACED ONLY ON THE ENVELOPE AND NOT PLACED ON ANY OF THE PAGES OR DOCUMENTS.

4. JOSEPH PIAZZA, SUPERINTENDENT OF SCE-CORATOWNSHIP. HIS EMPLOYEES, SERVANTS/AGENTS ACTS AND OMISSIONS THAT VIOLATED AND INJURED AFFIANT BY WITHHOLDING HIS LEGAL MAIL AND FAILED TO OPEN IN THE PRESENCE OF THE AFFIANT WHICH DEPRIVE AFFIANT OF HIS CONSTITUTIONAL RIGHTS

5. THESE OFFICIALS HERE AT SCE-CORATOWNSHIP HAS A PERSONAL RESPONSIBILITY AND A AFFIRMATIVE DUTY TO ADHERE TO THE PRINCIPLE OF POSITIVE CONDUCT AND UNDER COLOR OF STATE LAW, D.D.C. POLICIES AND DIRECTIVES WHICH FAILED, THE OFFICIAL POLICY, PRACTICES OF HIGH RANKING OFFICIALS FAILED TO CLOSELY SUPERVISE OVER SUBORDINATES WHICH WOULD NORMALLY EXERCISE REASONABLE SUPERVISION.

6. THESE ACTS AND OMISSIONS HAS PROPERLY INTERFERED WITH AFFIANTS MAIL AND ACCESS TO COURT WHICH INJURED AFFIANT SUCH AS IMPEDING, SANCTION OF RULES OF CIVIL PROCEDURES WHICH CIRCUMVENTING AS WELL AS INTENTIONAL AND MALICIOUS TO INJURE AFFIANT IN RETALIATION DUE TO AFFIANTS LITIGATIONS TOWARDS THE D.D.C WHICH IS A "COMPLETE FAILURE" AND WAS RECKLESS DISREGARD IN VIOLATING AFFIANT CONSTITUTIONAL RIGHTS

PURSUANT TO 28 U.S.C. 1746, I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

RESPECTFULLY
 SUBMITTED
 ARCHIE TINDEN, CLERK
 SCE-CORATOWNSHIP BY LO 23
 17866

AFFIDAVIT / PROOF OF SERVICE

I HAVE READ THE FOREGOING MOTION TO ENFORCE / CONTEMPT
HEREBY VERIFY THAT THE MATTER ALLEGED HEREIN ARE TRUE AND
CORRECT TO THE BEST OF KNOWLEDGE & BELIEF 18 USC 1746.

I ARCHIE TINDALL DO HEREBY AVER THAT COPIES OF THE
ENCLOSED MOTION TO ENFORCE / CONTEMPT HAS BEEN MAILED
TO THE BELOW PERSONS POSTED PAID FIRST CLASS ON APRIL 15, 2008
THIS SERVICE SATISFIES THE PRISON MAILBOX ACT.
HUBBARD VS. CARR, 108 SCT. 2379

CLERK OF COURTS
MICHAEL E KUNZ,
UNITED STATES DIST CT.
EASTERN DIST. OF PA.
601 MARKET STREET
PHILADELPHIA, PA 19106

DEPARTMENT OF
CORRECTIONS
DEPT OF GENERAL
COUNSEL

55 LITTLE DRIVES
CHANDLER, ARIZONA 85226

4-15-08

ARCHIE TINDALL ET AL (10)
SCE (WATKINS) SHIP
BX 1021, APR. 17804